

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK BEER,

Plaintiff,

v.

ADVANCED AUTO PARTS, INC.,

Defendant.

CIVIL ACTION

NO. 5:19-cv-05939-KSM

ORDER

AND NOW, this 15th day of July 2020, having considered Defendant's Partial Motion to Dismiss (Doc. No. 9), Plaintiff's opposition thereto (Doc. No. 10), and Defendant's Reply (Doc. No. 11), it is **ORDERED** that Defendant's Partial Motion to Dismiss (Doc. No. 9) is **GRANTED as follows**:

- Count II of Plaintiff's Complaint (Doc. No. 1) is **DISMISSED without prejudice**;
- Plaintiff shall have until **August 4, 2020** to file an Amended Complaint that remedies the deficiencies outlined in the memorandum accompanying this Order.¹

IT IS SO ORDERED.

/s/ Karen Spencer Marston
KAREN SPENCER MARSTON, J.

¹ If Plaintiff does not timely file an amended complaint, the parties shall proceed only with Count I in the original Complaint.